

REMARKS

Claims 1-61 are pending in the present application, of which claims 1, 11, 19, 27, 30, 41, 50 and 59 are independent. After entry of the above amendments, claims 1-61 are pending in the present application, of which claims 1, 11, 19, 27, 30, 41, 50 and 59 are independent. Applicants believe that the present application is in condition for allowance, which prompt and favorable action is respectfully requested.

I. DOUBLE PATENTING

Applicants note the provisional rejection but would prefer to defer consideration of filing a terminal disclaimer until the time at which the rejection becomes actual and final disposition of all claims is required.

II. REJECTION UNDER 35 U.S.C. §102

The Examiner rejected claims 1-61 under 35 U.S.C. §102(b) as being allegedly anticipated by U.S. Patent No. 5,481,611 issued to Owens et al. (hereinafter "Owens"). The rejection is moot in view of the amendments to independent claims 1, 11, 19, 27, 30, 41, 50 and 59.

More particularly,

To anticipate a claim under 35 U.S.C. §102(e), the reference must teach every element of the claim and "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." (see MPEP §2131).

Owens describes an authentication procedure in which a random digital code is encoded for transmission into a representative audio signal. However, it teaches using DTMF signaling format to encode the digital signal into a sequence of DTMF tones (See col. 3, line 60 to col. 4, line 18).

Accordingly, Owens does not teach or disclose converting an access code into sound waves encoded with the access code using multi-carrier modulation as in amended independent claims 1, 11, 19 and 27. Similarly, Owens does not teach or disclose recovering the access code from the sound waves using multicarrier demodulation as in amended independent claims 30, 41, 50 and 59.

Since Owens does not teach every element of the claims, Applicants respectfully submit that Owens does not anticipate independent claims 1, 11, 19, 27, 30, 41, 50 and 59. Also, claims 2-10, 12-18, 20-26, 28-29, 31-40, 42-49, 51-58 and 60-61 depend from and include all the elements cited in the independent claims 1, 11, 19, 27, 30, 41, 50 and 59, respectively. Accordingly, Applicant submits that these claims are believed to be allowable based on their dependency from an allowable base claim as well as other novel features included therein.

Particularly, with respect to dependent claims 9-10, 17-18, 25-26, 36, 37, 46, 47, 55 and 56, Applicants respectfully disagrees with the characterization of the cited reference. Namely, in the cited portion of Owens (col. 9, line 60- col. 10, line7), the "password" refers to the encoded digital signal communicated from the subscriber to the host to authenticate the EAD unit to the host facility. In contrast, the "password" as in the dependent claims 9-10, 17-18, 25-26, 36, 37, 46, 47, 55 and 56 refers to an additional value different from an access code for authentication. Therefore, if the Examiner interprets "password" of Owens as the "access code," Owens does not disclose a "password" as in the dependent claims. As such, Applicants that Owens does not anticipate dependent claims 9-10, 17-18, 25-26, 36, 37, 46, 47, 55 and 56.

For at least the foregoing reasons, Applicants respectfully request a withdrawal of the rejection under 35 U.S.C. §102.

Attorney Docket No. 030464B1

CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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